

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 08-51

May 6, 2008

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Continuing Requests for Documents under the FOIA

It has come to my attention that some Regional Offices are honoring "continuing" document requests under the Freedom of Information Act (FOIA). Under this practice, Regions will send copies of a certain class of documents, such as newly filed unfair labor practice charges or representation petitions, to a requester at regular intervals without having received a specific, individual request for the documents. Rather, the Regions are honoring a standing or continuing request for the documents. These Regions then either "debit" funds previously received from the requester for the appropriate charge for the documents provided or generate separate letters to the requester stating the amounts due and owing for complying with the FOIA request.

The FOIA does not require that U.S. Government agencies provide copies of documents on a continuing basis. *Mandel Grunfeld and Herrick v. U.S. Customs Service*, 709 F.2d 41 (11th Cir., 1983). It is the policy of the National Labor Relations Board not to honor such requests. NLRB Freedom of Information Act Manual (March 2008) available on the Official NLRB Website, www.nlrb.gov.

Please advise any requester for whom your Region honors a continuing request for documents that the practice must be ended. Henceforth, documents will be provided to the requester under the FOIA in response to individual requests. Such requests will be docketed in FOIA Tracking Database consistent with OM 05-76, dated June 20, 2005. As appropriate, costs should be assessed for each FOIA response. You may use the occasion of this communication to remind the requesters that they may make requests utilizing the E-FOIA feature of the Official NLRB Website. In addition, the Electronic Case Information System (ECIS) feature of the Website is available to access basic case handling information.

If you have any questions about the foregoing, please contact your Assistant General Counsel or Deputy or the undersigned.

/s/
R. A. S.

cc: NLRBU
Release to the Public

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